

# **Town of Garrett Park**

## **Established Building Line Ordinance**

Resolution/Ordinance No: 2008-02  
Introduced: 02/11/2008  
Amended: 03/10/2008  
Public Hearing: 04/14/2008 @ 8:10 PM  
To Be Adopted: 04/14/2008 After Hearing  
Effective Date: 05/05/2008

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Garrett Park, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Article 28, Section 8-115.1 of the Maryland Code authorizes the legislative body of a municipal corporation within the Regional District to regulate the construction, repair, erection or remodeling of single family residential houses, buildings or other structures on land zoned for single family residential use including, but not limited to, setback requirements; and

WHEREAS, Section 78-17 of the Charter of the Town of Garrett Park authorizes the Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents and visitors in the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council introduced the following ordinance in public session on the 11<sup>th</sup> day of February, 2008; and

WHEREAS, the Town Council amended the following ordinance in public session on the 10<sup>th</sup> day of March, 2008; and

WHEREAS, to comply with Article 28, Section 8-115.1 of the Maryland Code, the following ordinance was submitted to the Montgomery County Council on the 13<sup>th</sup> day of March, 2008, for its comments; and

WHEREAS, a public hearing on the proposed ordinance was held on the \_\_\_\_ day of \_\_\_\_\_, 2008; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the \_\_\_\_ day of \_\_\_\_\_, 2008; and

WHEREAS, it is the intent of the Town Council to limit the effect on the established building line of a main building on an adjacent lot where such building is set back more than 90 feet from the front lot line; and

WHEREAS, the Town Council finds that this ordinance will ameliorate the “skewing” of the established building line where a main building on an adjacent lot is set back an exceptional distance from the front lot line; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town’s property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents and visitors in the Town.

NOW, THEREFORE, the Town Council of the Town of Garrett Park does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND SECTION 402 OF THE TOWN OF GARRETT PARK TOWN CODE TO ADD A NEW SECTION 402(b)(1)(1.4) TO PROVIDE, FOR THE PURPOSE OF CALCULATING THE ESTABLISHED BUILDING LINE SETBACK, THAT IF THE MAIN BUILDING ON AN ADJACENT LOT IS SET BACK BY GREATER THAN 90 (NINETY) FEET, IT SHALL BE CONSIDERED TO BE SET BACK BY 90 (NINETY) FEET

SECTION 1. BE IT ORDAINED AND ORDERED, this 12<sup>th</sup> day of May, 2008, by the Town Council of the Town of Garrett Park, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, Article 28, Section 8-115.1 of the Maryland Code, and the Town Charter, Section 402 of Chapter 4 of the Town Code is hereby amended to add a new Section 402(b)(1)(1.4) to read as follows:

\* \* \*

Section 402. Building Setback Lines

\* \* \*

- (1) Setback from street.

\* \* \*

**(1.4) For the purposes of Section 402(b)(1)(1.1) and 402(b)(1)(1.2) of the Garrett Park Town Code, if the main building on an adjacent lot is set back by greater than 90 (ninety) feet, it shall be considered to be set back by 90 (ninety) feet.**

\* \* \*

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 12<sup>th</sup> day of May, 2008, by the Town Council of the Town of Garrett Park, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and the Town Charter, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

TOWN OF GARRETT PARK

\_\_\_\_\_  
Edwin Pratt, Jr., Clerk-Treasurer  
Town of Garrett Park

\_\_\_\_\_  
Carolyn Shawaker, Mayor  
Town of Garrett Park

**Bold and Underline** indicates new material

Double Underline indicates material currently underlined.

\* \* \* indicates material unchanged